## **SUMMARY OF CHANGES**

## REAUTHORIZATION OF IDAPA 13 FISH & GAME ADMINISTRATIVE RULES

<u>All Chapters</u>: Revised Sections 000-006 to comply with Uniform Format Requirements of Rules of the Office of the Administrative Rules Coordinator, IDAPA 44.01.01.011.02.

### 13.01.01 Commission Procedural Rules

• Deleted references duplicating statutory requirements for Commission & state agency meetings in general and routine parliamentary procedure, and replacing outdated/unenforceable requirements, and revised language for disruptive conduct at meeting.

## 13.01.02 Mandatory Education and Mentored Hunting

• Deleted language duplicating statute and language that was mere recommendation.

### 13.01.03 Public Use of Fish and Game Lands

- Deleted language in definitions that duplicated use restrictions.
- Deleted restrictions that duplicate Title 38 (general restrictions in Forest Practice Code), Title 18 (general restrictions in Criminal Code) or general prohibitions elsewhere in IDAPA 13.

## 13.01.04 Licensing

- Placed proof of residency in own section (050) to clarify it applies to all licenses (duplicative text in 13.01.19 deleted), and combined with residency investigation and proof for phone/electronic submittals (former 262).
- Provided statutory reference for fee (201).
- Deleted outdated language for method of annual certification for lifetime licenseholders (former 203).
- Moved former 262-266 (Job corps students, military, foreign exchange students, residents on leave, resident aliens) from 13.01.19 to integrate with vendor issuance requirements.
- Deleted references covered by statute.
- Placed licenses as gifts in own section (266).
- Deleted notary requirement for disabled motor vehicle and special weapon permits (303, 305).
- Updated deadline for outfitter tag sale dates (500) and tag allocation method options (505) to reflect 2019 legislation.
- Deleted duplicative language and unnecessary effective date in nonresident refunds (600).
- Streamlined lottery tag language (800).
- Streamlined references for Special Needs and DAV tags duplicating statute and to reflect 2019 legislation.

## 13.01.05 Fishing Contests

• Deleted chapter 05 and integrated into 13.01.11 (Fishing).

#### 13.01.06 Classification and Protection of Wildlife

- Updated references in names/scientific names
- Deleted unneeded name references in pheasant, partridge and turkey
- Modified ducks and geese references to delete birds with limited Idaho records and provided flexibility for take of hybrids and range of rarities.

- Deleted bullfrog from game fish (Section 103) (resulting in unprotected status), because ISDA has designated it as an invasive species.
- Added tiger trout (hybrid) to ensure inclusion in fishery.
- Deleted specific references to bald eagle and peregrine falcon, because they are included in general protected category of "all native bird species."
- Updated scientific names for protected ground squirrels and added pacific lamprey, N. Idaho ground squirrel & woodland caribou to protected nongame for state protection (separate from T&E status).
- Deleted specific listing of predatory wildlife, which are defined by statute I.C. 36-201.
- Deleted duplicative language and incorrect references.

## 13.01.07 Upland Game Animals

- Deleted duplicative reference to classified upland game animals.
- Deleted outdated reference to Craters of the Moon closure.

# 13.01.08 Big Game Animals

- Eliminated duplication in take limits (200).
- Deleted references to controlled hunts from A and B tags as inapplicable and deleted duplicative elk tag references in 250.e.iii.
- Separated requirements for elk controlled hunt tags into 250.e.v.
- Deleted separate references to wolf seasons and quota in 250.i.
- Deleted duplicative language for elk zones (255).
- Divided unwieldy Section 260 by transferring major elements to new sections (resulting in Sections 257-263 for ease of locating requirements and simplification: nonresident tag limits (255), eligibility (257), application (258), deadline for tag claiming(259), use of tag (260), special controlled hunts (261), designation (262) and refund of fees (263). Other minor edits for brevity clarity.
- Deleted unnecessary wording for prohibitions against take of females with young (300).
- Added subsection (one level up) for categorizing by species controlled hunt tag use.
- Reduced duplication by creating separate subsection for raw pelt possession (420)
- Divided Game management unit into additional sections to reduce reprint costs if modified in future.
- Updated Craters of the Moon closure reference to reflect congressional action.
- Eliminated closure references in game management unit descriptions as duplicative of 500.

#### 13.01.09 Game Birds

- Replace species list with cross-reference to 13.01.06.
- Added definition for waterfowl (geese, ducks, swans).
- Simplified use of "migratory bird" instead of list of species when appropriate (101).
- Reorganized turkey section 105 into subsections to simplify rules; made application submittal methods same as big game.
- Deleted CAP funding reference (105.03) as duplicative of statute.
- Eliminated duplicative language for tag designation (150.04)
- Deleted multiple outdated references to early goose hunts (105.04)
- Reorganized to place pheasant permit requirements under permit sections (110).
- Clarified language for forest grouse take methods (300.01)
- Combined shooting hours into one section (500).

- Added reference to 36-1102 and migratory bird treaty act regulations. (301)
- Update Craters of the Moon closure reference to reflect congressional action.
- Reorder and deleted duplicate reference to Mann's Lake closure.
- Deleted Pend Oreille River closure that the Commission has not recognized since 2009. (400.02)
- Updated geographic reference to Thompson Lake Closure (railroad placed by Bicycle Trail for many years). (400.02)
- Correct Section 410 number (cross referenced in other section).
- Consolidated multiple references to proclamation for seasons and limits into one reference (600).

# 13.01.10 Importation, Possession, Release, Sale or Salvage of Wildlife

- Replaced definitions for animal classification with cross reference to 13.01.06, where no special definition applied to the chapter
- Added clarifying references for ISDA authority as appropriate.
- Deleted provisions related to fish and combined them with 13.01.11 (Fish section currently contains overlapping language).
- Deleted duplicative requirements for permit of import.
- Simplified requirements by division between possession of individual captive animals and operation of private parks/commercial wildlife facilities. Made new section for large commercial wildlife facilities.
- Deleted/consolidated duplicative requirements (such as cages) and placed certain overlapping ones into separate sections(such as humane treatment, responsibility of possessor for escapes).
- Simplified references to zoning and USDA permits, and modified to avoid scenario which each permitting authority insists other agencies issue permits first.
- Delete approved import list as it pre-dated assignment of domestic cervids to ISDA and created unnecessary confusion.

#### 13.01.11 Fishing

- Moved definitions related to fish (e.g., salmon, steelhead) from elsewhere in chapter to Definitions section; deleted definitions duplicating statutory definitions; deleted prohibition references in statute that were duplicated later in rules.; added definition for jack salmon because the term is regularly used in proclamations in recent years.
- Moved requirements for sturgeon to separate section (102) as current location in rule is difficult for the public & agency staff to find.
- Simplified release requirements/restrictions and eliminated duplication with 13.01.10 (wildlife release/import/transport);
- Deleted 200 as duplicative of statutory provisions for licenses.
- Restructured Fishing Methods (201) for clarity as to general restrictions, exceptions, and additional requirements for certain species (Sturgeon, salmon, and steelhead); integrated two pole permit language from section 299.
- Deleted 202 as duplicative of rule/statutory definitions, requirements.
- Combined 300-340 into single general reference (300) for limits, seasons, and regional exceptions set by proclamation
- Deleted language in fish salvage (346) that duplicated method of take prohibitions.
- Steelhead and salmon requirements combined into Sections 400-405 to eliminate duplication.
- River Location reference table deleted as covered by proclamation.
- Deleted confusing language about "no harvest," with remaining provisions clear on catch-andrelease fishing and species requiring immediate release.
- 13.01.05: Unique Fishing contest definitions in 13.01.11 in section 008.

o Unique fishing contest requirements in 13.01.11 in sections 700-704.

# 13.01.12 Commercial Fishing

- Simplified definition (010) reference (instead of species list) to unprotected fish species.
- Eliminated duplication in license requirements (100 & 800) and methods of take language (500); deleted unnecessary repetition of license revocation (covered in section 100).
- Deleted repetitive references to experimental gear (700).

## 13.01.13 American Crow

Chapter deleted and requirements integrated into the Game Bird chapter--13.01.09.

## 13.01.14 Falconry

• Few changes after 000-006. This chapter is needed for IDFG to receive delegated authority from U.S. Fish and Wildlife Service, and any changes of significance would require re-examination by USFWS for delegation. The agency deleted the link in current rule to the USFSWS permit form, because it is no longer operable.

# 13.01.15 Use of Dogs

- Simplified references to outfitter and guides with reference to statutes (010).
- Simplified and re-sequenced language for prohibitions and exceptions (100).
- Simplified and reordered language for zone exceptions (200).
- Eliminate duplication of conditions for hound hunter permit for take & training season and permit references (200).
- Moved exemption for nonresident limitations to standalone rather than in definition.
- Simplified application language requirements.
- Simplified training and field trial language.

## 13.01.16 Furbearers and Trapping of Predatory and Unprotected Wildlife

- Replaced species list with cross reference to 13.01.06 classification
- Made reference to USDA trappers more generic to agency employees and contractors (200).
- Deleted raccoon referenced based on statutory classification as predatory wildlife (changed years ago) (400).
- Deleted unnecessary reference to federal/state firearms prohibitions.
- Simplified cage/box exception for trail setbacks.
- Deleted pelt tag fees that duplicate statute. (500)
- Improved clarity of language for restrictions and taxidermist/furbuyer license for raw pelts. (500).
- Deleted list of WMAs, since all WMAs require registration (and deleting WMA that was transferred to IDL) (600).
- Updated Craters Moon Monument reference to reflect congressional action. (650)
- Deleted rule reference to furbearer season closure as unnecessary in light of proclamation authority and outdated (wolverine is now classified as protected nongame) (750).

#### 13.01.17 Use of Bait and Trapping for Big Game Animals

- Moved definitions in later sections to definition section.
- Deleted duplicative text in bait placement distance restriction.
- Combined subsections cross referenced in visible bait restriction for trapping.

- Cross referenced 13.01.16 requirements for trap identification, trap check, removing trapped animals of another and release of non-target catches (450)
- Deleted wolf 24-hour report (460.01) as outdated.
- Cross referenced 13.01.08 report and mandatory check requirements.
- Streamlined cross references in 505.

## 13.01.18 Emergency Feeding of Antelope, Elk, and Deer

Edited to reduce words and make grammar corrections

# 13.01.19 Operating, Discontinuing, and Suspending Vendors

- Deleted definitions duplicating statutory definitions.
- Moved vendor classification category definitions from 13.01.20 (100).
- Combined bonding language from 13.01.19 and 13.01.20 (102).
- Deleted hours of operation and distance to fishing/hunting as no longer used as selection criteria.
- Deleted outdated references for license system requirements (104).
- Deleted surplus/unnecessary language in 111 and 113.
- Combined termination and suspension language (120/121).
- Deleted provisions IDFG that are covered in vendor contract standard terms or otherwise unnecessary (121).
- Reordered vendor termination provisions for clarity.
- Deleted outdated references to mail applications (130).
- Deleted references duplicating proof of residence from 13.01.04 and statutory definition of resident (130).
- Moved former 131-138 sections to licensing chapter 13.01.04.
- Deleted language for void/cancel licensing that are training/procedure (151).
- Deleted supplies section (former 156) and electric power requirements (160) as outdated.

<u>13.01.20</u>, <u>Selection of Fish and Game License Vendors</u> Chapter deleted and requirements integrated into 13.01.19 because of overlap of requirements.